

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MONUMENT PEAK VENTURES, LLC,

Plaintiff,

v.

BLU PRODUCTS, INC.,

Defendant.

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2:23-cv-00169-JRG-RSP

JURY TRIAL DEMANDED

JOINT MOTION TO STAY SCHEDULING CONFERENCE

Plaintiff Monument Peak Ventures, LLC (“Plaintiff” or “MPV”) and Defendant BLU Products, Inc. (“Defendant” or “BLU”) (collectively, the “Parties”) hereby jointly move to stay the Scheduling Conference and associated deadlines listed in the Court’s Order [Dkt. 11] signed on June 14, 2023 pending the Court’s ruling on Defendant’s Motion to Dismiss for Improper Venue or, in the Alternative, to Transfer [Dkt. 7] (“Defendant’s Motion”).

I. INTRODUCTION

1. On April 12, 2023 Plaintiff filed its Complaint for Patent Infringement [Dkt. 1] against Defendant.

2. On May 12, 2023, Defendant filed Defendant’s Motion [Dkt. 7] seeking to dismiss this lawsuit, or in the alternative, transfer the matter to the Southern District of Florida.

3. On June 2, 2023, Plaintiff filed an Unopposed Motion for Venue Discovery and a 45-day extension of Plaintiff’s Response to Defendant’s Motion [Dkt. 9]. The Court granted the Unopposed Motion on June 5, 2023 [Dkt. 10], extending Plaintiff’s Response submission deadline to Defendant’s Motion to July 17, 2023.

4. On June 14, 2023, the Court entered an Order (“Court’s Order”) setting a

Scheduling Conference in Marshall, Texas on July 20, 2023, at 9:30 a.m. before the Honorable Rodney Gilstrap. The Court's Order also listed the following schedule of preliminary deadlines (*See* Dkt. 11, p. 2) ("Preliminary Deadlines") to be determined by the date of the Scheduling Conference.

6 Weeks After Scheduling Conference	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ²
6 Weeks After Scheduling Conference	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
3 Weeks After Scheduling Conference	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
2 Weeks After Scheduling Conference	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
1 Week After Scheduling Conference	Join Additional Parties
2 Weeks Before Scheduling Conference	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

II. MOTION TO STAY SCHEDULING CONFERENCE

1. The Parties jointly and respectfully request the Court stay the Scheduling Conference listed in the Court's Order until the Court's ruling on Defendant's Motion for reasons of efficiency to conserve both the Court's and the Parties' resources.

2. The Parties agree the stay should be lifted if the Court denies the Defendant's Motion, in whole or in part, at which time the Parties will meet and confer in good faith to propose a new Scheduling Conference date subject to the Court's availability. The Parties agree to submit

the proposed date to the Court within fourteen (14) days of the Court's ruling on Defendant's Motion.

3. The Parties have conferred on the relief requested in this Motion and both agree to relief requested herein.

4. This motion is not presented for the purposes of delay, but rather so that justice may be done. No other deadlines will be affected by the extension of time sought.

III. CONCLUSION & PRAYER

For these reasons, Plaintiff and Defendant ask the Court to grant this motion to (1) stay the Scheduling Conference and associated Preliminary Deadlines in the Court's Order [Dkt. 11] pending its ruling on Defendant's Motion; and (2) require the Parties to submit a proposed Scheduling Conference date within fourteen (14) days of the Court's ruling on Defendant's Motion, if necessary.

AGREED TO BY FORM:

Dated this July 6, 2023

/s/ Bernard L. Egozi
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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel of record met and conferred regarding this filing, and the parties are in agreement regarding the relief sought and neither opposes.

/s/ Matthew C. Acosta _____
Matthew C. Acosta

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiff does hereby certify that this pleading was served on all counsel of record on July 6, 2023 by the Court's electronic filing notification system.

/s/ Matthew C. Acosta _____
Matthew C. Acosta